

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAREZ-Flores, Rodrigo
a.k.a. BECERRA, Martin
a.k.a. CARDONA-Becerra, Martin
a.k.a. MORALES, Andres

Defendant,

) Magistrate Docket No. **'08 MJ 1146**

) Case No. 08 APR 15 AM 9:30

) COMPLAINT FOR VIOLATION OF:

) **Title 8, U.S.C., Section 1326**

) Deported Alien Found in the United States

) (Felony)

PLEASE REPLY AND RETURN

The undersigned complainant, being duly sworn, states:

On or about November 27, 2007, within the Southern District of California, Defendant Rodrigo JUAREZ-Flores, also known as Martin BECERRA, Martin CARDONA-Becerra and as Andres MORALES, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Michael S. Haynes

Special Agent Michael Haynes
 U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF APRIL 2008.

Barbara L. Major

Hon. Barbara L. Major
 U.S. Magistrate Judge

STATEMENT OF FACTS

Rodrigo JUAREZ-Flores, also known as Martin Becerra, Martin Cardona-Becerra and as Andres Morales, came to the author's attention pursuant to the author's duties with U.S. Immigration & Customs Enforcement (hereinafter referred to as ICE). The author was informed via a law enforcement source that a person believed to be JUAREZ was encountered within the city of Chula Vista, California, on or about November 27, 2007. The author was also notified that JUAREZ may have been deported previously, and that during the November 2007 encounter he had identified himself as Andres Morales. The author then conducted research as to the accuracy of this information.

A review of documents from JUAREZ' alien file was performed. During this review, the author observed an immigration judge's order of removal dated March 7, 1997. Additionally, the author reviewed a form I-205 (Warrant of Deportation/Removal) executed on December 14, 2006. This form documents the physical departure of JUAREZ pursuant to the aforementioned immigration judge's order of removal. A form I-213 (Report of Deportable/Inadmissible Alien), that identifies JUAREZ as a native and citizen of Mexico, was also reviewed, as were photographs taken in preparation for his deportation from the United States.

On April 10, 2008, the author contacted Officer Brandi Winslow of the Chula Vista Police Department. The author had provided Officer Winslow a photograph of JUAREZ that was taken by U.S. immigration authorities while processing him for removal from the United States to Mexico. Officer Winslow stated that the photograph provided was that of an individual she encountered within the city of Chula Vista, California, on November 27, 2007, and who identified himself as Andres Morales.

A review of records maintained by the U.S. Department of Homeland Security yields no indication that JUAREZ has applied for or received permission to reapply for admission to the United States after deportation.